



Board of Adjustment Meeting Minutes

A regular meeting of the Okanogan County Board of Adjustment was held on August 16, 2011 at 7:30 p.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan, Washington.

BOARD OF ADJUSTMENT MEMBERS present included: Chair Steve Kunkel, Vice Chair Harlan Warner, Board Member Dan DeWeert, Board Member Dave Hanna, Board Member Hoksbergen, and Board Member Dan Christensen.

OKANOGAN COUNTY STAFF in attendance included: Director of Planning Perry Huston, Senior Planner Ben Rough, Planner II Randy Johnson, and Administrative Secretary Sharon McKenzie.

APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES in attendance: Don Beyer, A. C. Morgan and Laurie Morgan

OTHERS in attendance: C. T. Jackson, Jan Rasmussen, Jerry Hendrick, Bob Blank, Clifton Malm, Candy Malm, Sally Azzano, Sue Christopher, M. E. Wilken, Phil Turner, Rich Burch, Ron Schmidt, Melissa Lickfold, Ellen Anderson, Belinda Herriman, Gary George, Mary Ann Bullock, Bill Bullock, Peanuts Booth, Kathie Johnson, Fred Stark, Paul Freese, Diane Doust, Carl Rasmugge, Ron Coyne, Birens Pellow, Gary Azzano, Bob Power, Joe Thomas, Zachary Van Brust, Kurt Guelich, Buck Orndorff, Donna Orndorff, Phillip Turner, Bobbi Turner, Keith Schmidt, Heidi Schmidt, Gary Bramer, Lee Skaarvold, Bruce Pritchard, Helen Pritchard, Mary J. Davis, Jennifer Drader, Aaron Morgan, Darrell Sapp, Eve Sapp, Joe Booth, Bill Johnson, Brenda Jones, Lynn Webster, Craig Webster and Bud Vest.

The meeting was called to order by Chair Steve Kunkel at 7:30 p.m.

Approval of the Agenda

Board Member DeWeert moved to approve the August 16, 2011 agenda. Vice Chair Warner seconded the motion. Motion passed.

Approval of July 19, 2011 Meeting Minutes

Vice Chair Warner moved to approve the July 19, 2011 meeting minutes as presented. Board Member DeWeert seconded the motion. Motion was passed

Public Hearing: Item #1

❖ Beyer VAR 2011-4

Chair Kunkel asked Planner II Randy Johnson to present a summary of the **Beyer VAR 2011-4**. Planner II Johnson presented the Affidavit of Public Notice and site plan to the Board Members and presented the project summary for the **Beyer VAR 2011-4**. Planner II Johnson explained the application submitted by Don Beyer is for a variance from the setback regulations. He said Mr. Beyer planned to construct a 40' x 14' x 12' carport. He said the applicant has requested an 8' setback on the west property line of the lot. He noted the required set back 25'. Planner II Johnson said the variance is requested due to the steep terrain of the parcel and the location of the drain field. The property is located 7.5 miles to the Northwest of Twisp at 21 Howerton Road.

Chair Kunkel asked the Proponent to come forward to speak to the issue.

Don Beyers residing in Twisp presented additional photos for the Board to review and a site plan showing the correct location of the garage in relationship to the property line. He said part of the carport will be 8' from the property line and the corner will be 16' from the property line. He explained the purpose of the carport is to protect vehicles and equipment from sun and snow. He said the structure would be similar to a pole building with a gravel floor.

Answering the question regarding the size of the existing garage and why an additional carport is necessary, he said he is a mechanic and he would like to keep a portion of the garage as a shop. He noted only half of the garage is designed for parking vehicles. He explained he bought the property in its current configuration. He addressed the question about owning the lot next door and why he could not use it for the carport by stating he bought the additional lot for investment purposes. Addressing the question of placing the carport in front of the existing garage, he noted the area in front of the existing garage is not level.

He said of nine residences in the area, four to five have been grandfathered or granted variances for structures two to nine feet from the property lines.

Addressing the question of the pitch of the roof, he said the roof will be the same pitch as the garage and be 8' high at the edge. Mr. Beyer said the snow will not be deposited on the neighboring property. He noted there is a barrier of trees between the two properties. He presented photos showing the trees which are located between his property and the Stark property.

Mr. Beyer presented photos showing the slope of the hill behind the garage and stated the whole hill is river rock. He said; there is evidence of a drainage system around the foundation of the garage. He said he only has to walk 40' up the hill to be above the peak of the garage so placing the carport behind the garage would require a substantial retaining wall.

He explained after he bought the property, there was a question of the location of the property lines. He said he located the survey markers and laid a rope down on the property line. He found the garage was actually built 22' from the property line and not the 27' stated in all the documents provided by the previous owner.

Chair Kunkel asked if there were any further questions from the Members of the Board for the Proponent. There being no questions, Chair Kunkel opened the hearing to public testimony.

Frederick Stark residing in Mount Vernon stated the structures down the road referred to by Mr. Beyer are not part of the River Sky Ranch. He said he would like to see the setback requirement maintained and the variance denied. He stated he has discussed the situation with Mr. Beyer and decided to leave the final decision to the Board.

Mr. Stark addressed the question of loss of privacy and said there would be some loss. He noted the green roof in the photos is the east side of his house where the living room and master bedroom are facing the Beyer property. He said he does not believe snow coming off the roof of the proposed carport would be an issue on his property. He said about 60% of the vegetation is on his property.

Chair Kunkel closed the hearing to public testimony

Chair Kunkel asked if there were any questions from the Board. The Board discussed the options that might be available including building the carport on other locations of the property and whether there was truly a hardship.

Addressing the question of the existing garage not meeting the setback requirements, Director Huston stated granting a variance would take care of any past issues since the structure would be attached to the non-conforming structure.

There being no further discussion, Chair Kunkel said he would entertain a motion.

Vice Chair Warner moved to approve by Resolution the **Beyer VAR 2011-4** subject to the Findings of Fact, Conclusions of Law, and the Conditions of Approval. Board Member Hoksbergen seconded the motion. Motion passed.

Public Hearing: Item #2

❖ Morgan & Son Solid Waste Lagoon CUP 2011-3 – Continuance

Chair Kunkel opened the meeting by reading the Summary and the Conditions of Approval for **Morgan & Son Solid Waste Lagoon Conditional Use Permit 2011-3.**

Vice Chair Warner questioned Staff about the WSDOT requirements listed in item 8 of the Conditions of Approval. He asked how Staff would know which of the four measures would apply and who would be selecting the appropriate one.

Director Huston stated it would be up to the Board to select the appropriate one.

Addressing the question of what does the US Department of Agriculture (USDA) site visit as mentioned in the Conditions of Approval accomplish, Planner II Johnson said USDA will come out to decide which method is the best to discourage birds from the area.

Vice Chair Warner recommended there should be a provision stating that USDA would make the determination. He recommended it should also state the USDA should determine the requirement prior to the operation of the septage lagoon and the County would do any enforcement.

Director Huston noted the Findings of Fact and Conclusions of Law must be accurate along with the Conditions of Approval. He noted the landscaping plan should become an attachment to the approval.

Chair Kunkel read through Resolution 2011-1 which was originally sent to the Board Members in the meeting packet. It was noted there was a scribners' error in the Resolution number and it should actually be Resolution 2011-2.

After reading through the conditions, it was decided by the Board Members that after USDA made their site visit, USDA would determine which alternative is appropriate.

The Board Members were told the fencing would be an 8' chain link fence topped with barbed wire.

Chair Kunkel read the revised Resolution No. 2011-2 presented at the meeting. During the reading of the Resolution, there was a question on the Findings of Fact.

Director Huston requested a ten minute recess to confer with Staff. Chair Kunkel called for a recess at 8:40 pm.

Chair Kunkel reconvened the meeting at 8:45 pm.

Director Huston explained there had been adjustments made at the last minute to the Revised Resolution 2011-2. He noted the revision handed out at the meeting did not include the last minute revisions. He handed out the latest version to the Board Members for their review. He noted Items 17 through 26 were added under the Findings of Fact and Item 5 was added under the Conclusions of Law. He explained the additions were gleaned from the public hearings and were added to clarify the review criteria by the Board of Adjustment.

Chair Kunkel read Findings of Fact and Conclusions of Law from the version given to the Board by Director Huston. He asked the Board Members to comment at any time on anything they felt needed to be added or deleted.

There was a correction noted on the Conclusions of Law, Item 5. It was noted it should read Resolution 2011-2.

Chair Kunkel said he would entertain a motion.

Vice Chair Warner moved to adopt Resolution 2011-2 for the **Morgan & Son Solid Waste Lagoon CUP 2011-3** which includes Attachment A – Conditional Use Permit and Site Plan, Attachment B - the Findings of Fact, and Attachment C - Conclusions of Law. Board Member DeWeert seconded the motion. Motion passed.

The Board authorized Chair Kunkel to sign Resolution 2011-2 for the Morgan & Son Solid Waste Lagoon CUP 2011-3.

Old Business:

Chair Kunkel asked if there was any old business. There was none.

New business:

Chair Kunkel asked if there was any new business. Director Huston explained the new way the Board of Adjustment will be the conducting hearings, how they make their decisions and how Staff will come back with the Resolution and Conditional Use Permit. All documents will be one document under the banner of the Resolution. The Land Use Petition Act (LUPA) clock will begin for an appeal from the date of the final decision regarding adoption of the Resolution. Director Huston said this change will provide for a tidier process. He said it pulls together the record in the event of an appeal.

Chair Kunkel adjourned the meeting at 9:05 PM.

Summary of Motions

Board Member DeWeert moved to approve the August 16, 2011 agenda Vice Chair Warner seconded the motion. Motion passed.

Vice Chair Warner moved to approve the July 19, 2011 meeting minutes as presented. Board Member DeWeert seconded the motion. Motion was passed.

Vice Chair Warner moved to approve by resolution the Beyer VAR 2011-4 subject to the Findings of Fact, Conclusions of Law, and the Conditions of Approval. Board Member Hoksbergen seconded the motion. Motion passed.

Vice Chair Warner moved to adopt Resolution 2011-2 for the Morgan & Son Solid Waste Lagoon CUP 2011-3 which include Attachment A – Conditional Use Permit and Site Plan, Attachment B - the Findings of Fact, and Attachment C - Conclusions of Law. Board Member DeWeert seconded the motion. Motion passed.

Respectfully submitted,
Sharon S. McKenzie
Administrative Assistant
Okanogan County
Office of Planning & Development